

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1557 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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JERAMBHAI GOVIND MAKWANA

Versus

HIRUBEN KHUSHALGAR GUNSAI

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Appearance:

MR NV ANJARIA for Petitioner

MR MEHUL S SHAH for Respondent No. 1, 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 22/11/1999

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioner-plaintiff instituted Civil Suit No.130 of 1988 in the Court of Civil Judge (J.D.), Mandvi-Kutchh, for declaration and permanent injunction restraining the defendants-respondents from entering the said compound land (Chhitri) and from constructing thereon and for direction that the defendants remove all constructions sought to be put up by them on the said

Chhitri land and restore original situation, reconstructing the wall facing towards the common passage, which the defendants-respondents had demolished and broke open to enter the compound land of the plaintiff. Along with the suit, they filed an application for grant of temporary injunction and the learned trial court granted temporary injunction as prayed for by the plaintiff-petitioner. The defendants-respondents filed appeal against that order and the same was allowed and the order of the learned trial court was set aside. Hence this revision application before this Court. This revision application has come up for preliminary hearing in the court on 16th December 1993, the matter was admitted and the court passed the following order:

Rule. By way of ad-interim relief the respondents are restrained from interfering with the possession of the applicant-plaintiff and/or entering upon and/or constructing upon the Chhitri land in question D.S. permitted.

#. This interim relief granted by this court continues for all these years. The suit is of the year 1988. So interest of justice will be served in case this civil revision application is disposed of in the terms that the interim relief granted by this court shall continue till decision of civil suit. The learned trial court is directed to decide the suit within a period of four months from the date of receipt of writ of this order. Rule and civil revision application stand disposed of accordingly with no order as to costs. However, liberty is granted to the respondents for revival of the civil revision application in case of difficulty.

(S.K.Keshote, J.)

[sunil]